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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISABEL ESPINOZA QUINTERO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-73765

Agency No. A95-301-939

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 15, 2008<sup>\*\*</sup>

Before: B. FLETCHER, FISHER and PAEZ, Circuit Judges.

This is a petition for review from the Board of Immigration Appeals’  
 (“BIA”) order dismissing petitioner’s appeal.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The BIA did not err in concluding that petitioner's expedited removal interrupted her continuous physical presence in the United States for the purpose of cancellation of removal relief. *See* 8 U.S.C. § 1229b(b)(1) (requiring ten years of physical presence to be eligible for cancellation of removal); *Juarez-Ramos v. Gonzales*, 485 F.3d 509, 511-12 (9th Cir. 2007) (holding that expedited removal interrupts an alien's continuous physical presence in the United States for the purpose of cancellation of removal relief). Additionally, petitioner's argument that she should have been afforded an opportunity to apply for cancellation of removal at the time of her expedited removal is unavailing. *See* 8 U.S.C. § 1225(b) (setting forth procedures for expedited removal). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**